

House Bill 1355

By: Representatives Peake of the 137th, Jacobs of the 80th, Lindsey of the 54th, and Ramsey of the 72nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to
2 process under the Civil Practice Act, so as to provide for certain limitations on the time for
3 service; to amend certain provisions relating to service; to provide for related matters; to
4 provide an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to process under
8 the Civil Practice Act, is amended by adding a new subsection to read as follows:

9 "(m) *Service — Time limit.* Where a defendant is not served within 120 days following the
10 filing of the complaint, the court, upon motion or on its own without a motion, following
11 notice to the plaintiff and an opportunity for plaintiff to be heard, may dismiss the action
12 without prejudice or extend the period of time allowed for service. The court shall extend
13 the time for service for a reasonable period of time upon a showing of good cause by a
14 plaintiff for the failure to serve a defendant."

15 **SECTION 2.**

16 This Act shall become effective on July 1, 2008.

17 **SECTION 3.**

18 All laws and parts of laws in conflict with this Act are repealed.